

**United States District Court****for the****Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Jun 12, 2023**

SEAN F. McAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Dustin Duane Pearson

Case Number: 0980 2:20CR00063-RMP-1

Address of Offender: [REDACTED] Clarkston, Washington 99403

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, Senior U. S. District Judge

Date of Original Sentence: February 26, 2021

Original Offense: Felon in Possession of a Firearm, 18 U.S.C. §§ 922(g)(1) &amp; 924(a)(2)

Original Sentence: Prison - 39 months  
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Earl A. Hicks

Date Supervision Commenced: February 15, 2023

Defense Attorney: Federal Defender's Office

Date Supervision Expires: February 14, 2026

**PETITIONING THE COURT**To issue a **warrant**.

On June 2, 2023, the undersigned officer reviewed a copy of the conditions of supervision with Mr. Pearson as outlined in the judgment and sentence. Mr. Pearson signed his judgment acknowledging an understanding of those conditions.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- |   |  |
|---|--|
| 1 | <p><b><u>Mandatory Condition #3:</u></b> You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.</p> |
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**Supporting Evidence:** Mr. Pearson allegedly violated the above-stated condition of supervision by consuming methamphetamine, cocaine, and marijuana, all illegal controlled substances, on or about May 29, 2023.

On June 2, 2023, Mr. Pearson reported to the U.S. Probation Office and submitted a urine sample that tested presumptive positive for methamphetamine, cocaine, and marijuana. Additionally, Mr. Pearson signed an admission of drug use form and spoke with the undersigned officer in detail about his consumption of methamphetamine, cocaine and marijuana.

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- 2            **Special Condition #5:** You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

**Supporting Evidence:** Mr. Pearson allegedly violated the above-stated condition of supervision by consuming alcoholic beverages, on or about May 29, 2023.

On June 2, 2023, Mr. Pearson reported to the U.S. Probation Office and he was asked about his sobriety. Mr. Pearson stated he consumed alcohol on or about May 29, 2023. Additionally, Mr. Pearson signed an admission form and spoke with the undersigned officer in detail about his alcohol consumption.

- 3            **Special Condition #4:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Mr. Pearson allegedly violated the above-stated condition of supervision for failing to submit to urinalysis testing and by attempting to circumvent a urinalysis test with the undersigned officer on June 8, 2023.

On June 8, 2023, the undersigned officer requested a random urine sample from Mr. Pearson. The temperature gauge on the cup was observed to be approximately 20 degrees cooler than what is typically produced from the human body. Additionally, the sample provided shared a similar appearance to water. Mr. Pearson was questioned about the authenticity of the sample and although he initially denied any wrongdoing, he eventually admitted to using toilet water in lieu of providing a urine sample. He signed an admission of use form confirming his illegal drug consumption as well as his attempt to circumvent the random urine sampling process.

- 4            **Mandatory Condition #2:** You must not unlawfully possess a controlled substance. You must refrain from any unlawful use of a controlled substance, including marijuana, which remains illegal under federal law.

**Supporting Evidence:** Mr. Pearson allegedly violated the above-stated condition of supervision by possessing a controlled substance, suspected fentanyl, on or about June 10, 2023.

On June 10, 2023, Whitman County Sheriff's Office and Emergency Medical Services responded to a call for service. Mr. Pearson was unconscious and appeared to be experiencing an overdose on fentanyl. The responding agencies administered life saving measures to combat the effects of the ingested controlled substance and he was transported for further care. The deputy on scene advised the undersigned officer that Mr. Pearson was in possession of a white powdered substance that they recognized as drugs, which remains stored in evidence. However, he will not be criminally charged as their statute prohibits them from doing so when responding to a medical emergency. Incident number 23-S1454 was provided for reference.

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The U.S. Probation Office respectfully recommends the Court issue a **warrant** requiring the offender to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 06/12/2023

s/Mark E. Hedge

Mark E. Hedge

U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

6/12/2023

Date